

October 13, 2006

County of San Bernardino

Re: Comments in opposition to the Nursery Products Hawes Composting Facility

To County Decision-Makers:

I am writing in collaboration with concerned residents of Hinkley, CA to object to the proposed Nursery Products Hawes Composting Facility.

Over the last year, Greenaction for Health and Environmental Justice has been working with residents of Kettleman City in Kings County in their opposition of a similar composting facility that has been recently permitted to operate in the immediate vicinity of their community. Through this work Greenaction has spent a good deal of time learning about “biosolids” in which for the purposes of the this letter, I will refer to the substance, a contaminated waste product, with its more accurate and appropriate name, sewage sludge.

Greenaction opposes this project for three primary reasons:

1) Sewage sludge treated or otherwise, is a waste product that contains thousands of contaminants from industry, business, house-holds, and landfills that discharge into municipal sewage systems. According to the Code of Federal Regulations, Title 40 (Part 403.12), every industry in the country is permitted to discharge up to 33 pounds of hazardous waste into sewers every month without reporting. About 30 years ago, sewage sludge used to be considered a hazardous waste. Unfortunately the Environmental Protection Agency (EPA) yielded to industry pressure to change the designation of sewage sludge from hazardous waste to fertilizer, making it cheaper for industry to deal with their waste.<sup>1</sup> Although classified as “safe” by the EPA (of which standards are highly debatable), treated sewage sludge is an unpredictable, complex and potentially harmful substance. Hundreds of sad cases are mounting around the country of people contracting serious illness and even dying from their exposure to land-applied sewage sludge.<sup>2</sup>

2) According to the Draft EIR, this project will result in “significant and unavoidable” impacts in terms of Air Quality (ozone and PM10) and Cumulative Air Quality impacts. As it stands, the Mojave Desert Air Basin does not meet state and federal ambient air quality standards. It is also stated that this project will exceed the Mojave Desert Air Quality Management District’s volatile organic compound (VOC) threshold during project operation. VOCs and consequently ozone are known respiratory toxins, causing reductions in lung capacity in healthy adults who are exposed in even low concentrations several hours a day. VOCs in particular are known reproductive toxins and cancer causing chemicals. Particulate matter is well known as a cause of premature death due to

---

<sup>1</sup> Snyder, Caroline, PHD. The Dirty Work of Promoting “Recycling” of America’s Sewage Sludge. International Journal of Occupational Environmental Health. 2005, 11: 415-427

<sup>2</sup> Snyder, Caroline, PHD. The Dirty Work of Promoting “Recycling” of America’s Sewage Sludge. International Journal of Occupational Environmental Health. 2005, 11: 415-427

altering immune systems, damaging lungs, aggravating cardiovascular and pulmonary diseases, and causing cancer.

This finding alone in the DEIR should be enough to qualify this project as a public health hazard thus denying the permit application. The project, if approved will increase the chances of Hinkley's population - including 29% of residents who are categorized as having a disability (the national average is 19%), healthy adults, children and seniors - to increased chances of developing potentially chronic, debilitating or fatal health conditions because of the toxic air they will breathe.

3) Finally, but of significant importance, is the threat to environmental justice in this area. Environmental justice refers to the right to a safe, healthy, productive and sustainable environment for all, regardless of race or income, where "environment" refers to the place where people live, work and recreate. According to the US 2000 Census and a recent article, 38% of Hinkley residents are Latinos and the median family income is \$31,000.<sup>3</sup> This clearly is a small, working-class community with significant numbers of people of color. It is well documented that lower-income and especially people of color communities are preferred sites for placement of undesirable waste-managing facilities.<sup>4</sup>

As a state agency, you are required by law to adhere to civil-rights laws and environmental justice policies that prohibit actions that can have a discriminatory and disproportionate impact on low-income and people of color communities. The people of Hinkley, including the mono-lingual Spanish speaker residents, have a right to participate with full access to bilingual information and to have their opinions weigh as a significant if not primary factor in the decision making process. By not complying, any affirmative decision means that you consider it acceptable for a decision maker to force a dangerous and undesirable project into the health and lives of thousands of people.

Thank you for seriously considering these comments. I would be happy to answer any further questions to these matters, especially in regards to how to implement environmental justice considerations in the decision-making process. I await your prompt response.

Sincerely,

Erica Swinney  
Community Organizer  
Greenaction for Health and Environmental Justice

---

<sup>3</sup> "Opposition arises" by Chuck Mueller. San Bernardino County Sun, October 13, 2006

<sup>4</sup> Bryant, Bunyan, and Mohai, Paul. "Studies Providing Systematic Empirical Evidence Regarding the Burden of Environmental Hazards by Income and Race." *Race, Poverty and the Environment*. Fall 1991/Winter 1992.

Cerrell Associates. "Political Difficulties Facing Waste-to-Energy Conversion Plant Siting." Prepared for the California State Waste Management Board by Cerrell Associates, Inc., 320 North Larchmont Boulevard, Los Angeles, CA, 9004. 1984.